

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNIVERSITAS EDUCATION, LLC,

Petitioner,

-against-

No. 11 Civ. 1590 (LTS) (HBP)

NOVA GROUP, INC., as trustee, sponsor and
fiduciary of THE CHARTER OAK TRUST
WELFARE BENEFIT PLAN,

Respondents.

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ORDER

Universitas Education, LLC (“Universitas”) filed on October 16, 2013, a petition for an order to show cause as to why respondent Daniel Carpenter should not be preliminarily enjoined from transferring assets pending the resolution of a related motion for turnover. Following a hearing on November 22, 2013, the Court ordered the parties to submit to the Court findings of fact and conclusions of law by December 2, 2013, with any replies to be filed by December 6, 2013.

The parties’ submissions must address the issue of whether any of the claims or defenses raised in this proceeding are barred by the doctrines of res judicata or collateral estoppel in light of the January 24, 2011, arbitration decision, upon which judgment was entered by this Court on June 7, 2012, which judgment was affirmed by the United States Court of Appeals for the Second Circuit on March 4, 2013. The parties submissions (and, if they so choose, accompanying memoranda of law), must fully address the factual basis and legal underpinnings of their preclusion analyses.

SO ORDERED.

Dated: New York, New York
November 26, 2013

/S
LAURA TAYLOR SWAIN
United States District Judge